

(1) IN GENERAL.—Notwithstanding any other provision of law, the provisions of section 151 of the Trade Act of 1974, as modified by section 3(b)(3), shall not apply to any provision in an implementing bill that has the purpose or effect of, or permits a decision-making process (including the creation of, or delegation of authority to, any international or private body) that may result in, limiting or transferring the jurisdiction or authority of a Federal court.

(2) PROCEDURES FOR CONSIDERING AMENDMENTS.—Debate on all amendments to a provision in an implementing bill described in paragraph (1) (including debate on any debatable motions and appeals in connection therewith) shall be limited to 5 hours in the Senate and 5 hours in the House of Representatives. Such time shall be equally divided between, and controlled by, the majority leader and the minority leader, or their designees. No amendment that is not germane to the implementing bill shall be in order.

#### AMENDMENT NO. 1604

At the appropriate place, insert the following:

#### SEC. . IMPORTATION OF FIREARMS.

(a) IN GENERAL.—Section 925(d) of title 18, United States Code, is amended to read as follows:

“(d)(1) Within 30 days after the Secretary receives an application therefor, the Secretary shall authorize a firearm or ammunition to be imported or brought into the United States or any possession thereof if the firearm or ammunition—

“(A) is being imported or brought in for scientific or research purposes, or is for use in connection with competition or training pursuant to chapter 401 of title 10;

“(B) is an unserviceable firearm, other than a machine gun as defined in section 5845(b) of the Internal Revenue Code of 1986 (not readily restorable to firing condition), imported or brought in as a curio or museum piece;

“(C) is not—

“(i) a firearm (as defined in section 5845(a) of the Internal Revenue Code of 1986); or

“(ii) subject to the prohibition of section 922(v) of this title, and if the Secretary has denied an application to import a firearm pursuant to this subparagraph, it shall be unlawful to import any frame, receiver, or barrel of such firearm which would be prohibited if assembled; or

“(D) was previously taken out of the United States or a possession by the person who is bringing in the firearm or ammunition.

“(2) Within 30 days after the Secretary receives an application therefor, the Secretary shall permit the conditional importation or bringing in of a firearm or ammunition for examination and testing in connection with the making of a determination as to whether the importation or bringing in of such firearm or ammunition will be allowed under this subsection.”.

(b) CONFORMING AMENDMENT.—Section 922(r) of such title is amended by striking “925(d)(3)” and inserting “925(d)(1)(C)”.

#### AMENDMENT NO. 1605

On page 31, between lines 3 and 4, insert the following:

(d) LIMITATIONS ON TRADE AGREEMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the President shall not enter into any treaty or other international agreement that, in whole or in part, has the purpose or effect of transferring the jurisdiction or authority of a Federal court to decide cases under United States law.

(2) LIMITS ON USE OF APPROVAL PROCEDURES.—Notwithstanding any other provi-

sion of law, the trade agreement approval procedures in this section shall not apply to any trade agreement or bill to implement any trade agreement that has the purpose or effect of transferring the jurisdiction or authority of a Federal court to decide cases under United States law.

#### AMENDMENT NO. 1606

On page 41, between lines 16 and 17, insert the following:

(d) ADDITIONAL LIMITATIONS ON APPLICATION OF TRADE AGREEMENT APPROVAL PROCEDURES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the provisions of section 151 of the Trade Act of 1974, as modified by section 3(b)(3), shall not apply to any provision in an implementing bill that is a domestic revenue provision. An amendment to a domestic revenue provision shall be in order if the amendment meets the requirements of paragraph (4).

(2) DOMESTIC REVENUE PROVISION.—For purposes of this subsection, the term “domestic revenue provision” means a provision in an implementing bill that increases revenues for the fiscal years covered by the implementing bill in order to comply with the Balanced Budget and Emergency Deficit Control Act of 1985 and a majority of the revenues raised by the provision would be paid by a United States person.

(3) UNITED STATES PERSON.—The term “United States person” means—

(A) a United States citizen;

(B) a partnership, corporation, or other legal entity organized under the laws of the United States; and

(C) a partnership, corporation, or other legal entity that is organized under the laws of a foreign country and is controlled by entities described in subparagraph (B) or United States citizens, or both.

(4) REQUIREMENTS FOR AMENDMENT.—It shall not be in order in the House of Representatives or the Senate to consider any amendment to a domestic revenue provision in an implementing bill that would have the effect of reducing any specific revenues below the level of such revenues provided in the implementing bill for such fiscal years, unless such amendment makes at least an equivalent reduction in other specific budget outlays, an equivalent increase in other specific Federal revenues, an equivalent increase or reduction in another provision of the implementing bill, or an equivalent combination thereof for such fiscal years. For purposes of this paragraph, the levels of budget outlays and Federal revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate or of the House of Representatives, as the case may be.

(5) PROCEDURES FOR CONSIDERING AMENDMENTS.—Debate on all amendments to domestic revenue provisions in an implementing bill (including debate on any debatable motions and appeals in connection therewith) shall be limited to 5 hours in the Senate and 5 hours in the House of Representatives. Such time shall be equally divided between, and controlled by, the majority leader and the minority leader, or their designees. No amendment that is not germane to the implementing bill shall be in order.

#### AMENDMENT NO. 1607

On page 26, between lines 18 and 19, insert the following:

(4) LIMITATIONS ON PROVISIONS COVERED BY TRADE AGREEMENT APPROVAL PROCEDURES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the provisions of section 151 of the Trade Act of 1974, as modified

by paragraph (3), shall not apply to any provision in an implementing bill that is an extraneous provision and an amendment to an extraneous provision shall be in order.

(B) EXTRANEAN PROVISION.—For purposes of this paragraph, the term “extraneous provision” means a provision in an implementing bill that—

(i) is not necessary to implement a trade agreement;

(ii) does not otherwise relate to the implementation or enforcement of a trade agreement; or

(iii) is not necessary in order to comply with the Balanced Budget and Emergency Deficit Control Act of 1985.

#### AMENDMENT NO. 1608

On page 48, strike line 3 and insert the following:

#### SEC. 10. JOINT UNITED STATES-CANADA COMMISSION ON AGRICULTURAL COMMODITIES.

(A) ESTABLISHMENT.—There is established a Joint United States—Canada Commission on Agricultural Commodities to identify, and recommend means of resolving, national, regional, and provincial trade-distorting differences between the United States and Canada with respect to the production, processing, and sale of agricultural commodities, with particular emphasis on—

(1) fair and open market access and competition for all agricultural commodities especially—

(A) cattle and beef;  
(B) wheat and feed grains;  
(C) potatoes; and  
(D) timber and forest products;  
(2) transportation differences; and  
(3) market-distorting direct and indirect subsidies.

(b) COMPOSITION.—

(1) IN GENERAL.—The Commission shall be composed of—

(A) 5 members representing the United States including—

(i) 2 members appointed by the Majority Leader of the Senate;

(ii) 2 members appointed by the Speaker of the House of Representatives; and

(iii) 1 member appointed by the Secretary of Agriculture;

(B) 5 members representing Canada, appointed by the Government of Canada; and

(C) nonvoting members appointed by the Commission to serve as advisers to the Commission, including university faculty, State veterinarians, trade experts, and other members.

(3) APPOINTMENT.—Members of the Commission shall be appointed not later than 30 days after the date of enactment of this Act.

(c) REPORT.—Not later than 1 year after the first meeting of the Commission, the Commission shall submit a report to Congress and the Government of Canada that identifies, and recommends means of resolving, differences between the United States and Canada with respect to the production, processing, and sale of agricultural commodities.

#### SEC. 11. DEFINITIONS.

#### THE AMTRAK REFORM AND ACCOUNTABILITY ACT OF 1997

#### HUTCHISON (AND OTHERS) AMENDMENT NO. 1609

Mrs. HUTCHISON (for herself, Mr. LOTT, Mr. MCCAIN, Mr. JEFFORDS, and Mr. SANTORUM) proposed an amendment to the bill (S. 738) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49; TABLE OF SECTIONS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Amtrak Reform and Accountability Act of 1997”.

(b) **AMENDMENT OF TITLE 49, UNITED STATES CODE.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(c) **TABLE OF SECTIONS.**—The table of sections for this Act is as follows:

Sec. 1. Short title; amendment of title 49; table of sections.

Sec. 2. Findings.

**TITLE I—REFORMS**

**Subtitle A—Operational Reforms**

Sec. 101. Basic system.

Sec. 102. Mail, express, and auto-ferry transportation.

Sec. 103. Route and service criteria.

Sec. 104. Additional qualifying routes.

Sec. 105. Transportation requested by States, authorities, and other persons.

Sec. 106. Amtrak commuter.

Sec. 107. Through service in conjunction with intercity bus operations.

Sec. 108. Rail and motor carrier passenger service.

Sec. 109. Passenger choice.

Sec. 110. Application of certain laws.

**Subtitle B—Procurement**

Sec. 121. Contracting out.

**Subtitle C—Employee Protection Reforms**

Sec. 141. Railway Labor Act Procedures.

Sec. 142. Service discontinuance.

**Subtitle D—Use of Railroad Facilities**

Sec. 161. Liability limitation.

Sec. 162. Retention of facilities.

**TITLE II—FISCAL ACCOUNTABILITY**

Sec. 201. Amtrak financial goals.

Sec. 202. Independent assessment.

Sec. 203. Amtrak Reform Council.

Sec. 204. Sunset trigger.

Sec. 205. Senate procedure for consideration of restructuring and liquidation plans.

Sec. 206. Access to records and accounts.

Sec. 207. Officers' pay.

Sec. 208. Exemption from taxes.

Sec. 209. Limitation on use of tax refund.

**TITLE III—AUTHORIZATION OF APPROPRIATIONS**

Sec. 301. Authorization of appropriations.

**TITLE IV—MISCELLANEOUS**

Sec. 401. Status and applicable laws.

Sec. 402. Waste disposal.

Sec. 403. Assistance for upgrading facilities.

Sec. 404. Demonstration of new technology.

Sec. 405. Program master plan for Boston-New York main line.

Sec. 406. Americans with Disabilities Act of 1990.

Sec. 407. Definitions.

Sec. 408. Northeast Corridor cost dispute.

Sec. 409. Inspector General Act of 1978 amendment.

Sec. 410. Interstate rail compacts.

Sec. 411. Composition of Amtrak board of directors.

Sec. 412. Educational participation.

Sec. 413. Report to Congress on Amtrak bankruptcy.

Sec. 414. Amtrak to notify Congress of lobbying relationships.

**SEC. 2. FINDINGS.**

The Congress finds that—

(1) intercity rail passenger service is an essential component of a national intermodal passenger transportation system;

(2) Amtrak is facing a financial crisis, with growing and substantial debt obligations severely limiting its ability to cover operating costs and jeopardizing its long-term viability;

(3) immediate action is required to improve Amtrak's financial condition if Amtrak is to survive;

(4) all of Amtrak's stakeholders, including labor, management, and the Federal government, must participate in efforts to reduce Amtrak's costs and increase its revenues;

(5) additional flexibility is needed to allow Amtrak to operate in a businesslike manner in order to manage costs and maximize revenues;

(6) Amtrak should ensure that new management flexibility produces cost savings without compromising safety;

(7) Amtrak's management should be held accountable to ensure that all investment by the Federal Government and State governments is used effectively to improve the quality of service and the long-term financial health of Amtrak;

(8) Amtrak and its employees should proceed quickly with proposals to modify collective bargaining agreements to make more efficient use of manpower and to realize cost savings which are necessary to reduce Federal financial assistance;

(9) Amtrak and intercity bus service providers should work cooperatively and develop coordinated intermodal relationships promoting seamless transportation services which enhance travel options and increase operating efficiencies;

(10) Amtrak's Strategic Business Plan calls for the establishment of a dedicated source of capital funding for Amtrak in order to ensure that Amtrak will be able to fulfill the goals of maintaining—

(A) a national passenger rail system; and

(B) that system without Federal operating assistance; and

(11) Federal financial assistance to cover operating losses incurred by Amtrak should be eliminated by the year 2002.

**TITLE I—REFORMS**

**SUBTITLE A—OPERATIONAL REFORMS**

**SEC. 101. BASIC SYSTEM.**

(a) **OPERATION OF BASIC SYSTEM.**—Section 24701 is amended to read as follows:

**“§ 24701. Operation of basic system**

“Amtrak shall provide intercity rail passenger transportation within the basic system. Amtrak shall strive to operate as a national rail passenger transportation system which provides access to all areas of the country and ties together existing and emergent regional rail passenger corridors and other intermodal passenger service.”.

(b) **IMPROVING RAIL PASSENGER TRANSPORTATION.**—Section 24702 and the item relating thereto in the table of sections for chapter 247 are repealed.

(c) **DISCONTINUANCE.**—Section 24706 is amended—

(1) by striking “90 days” and inserting “180 days” in subsection (a)(1);

(2) by striking “24707(a) or (b) of this title,” in subsection (a)(1) and inserting “or discontinuing service over a route.”;

(3) by inserting “or assume” after “agree to share” in subsection (a)(1); and

(4) by striking “section 24707(a) or (b) of this title” in subsections (a)(2) and (b)(1) and inserting “paragraph (1)”.

(d) **COST AND PERFORMANCE REVIEW.**—Section 24707 and the item relating thereto in the table of sections for chapter 247 are repealed.

(e) **SPECIAL COMMUTER TRANSPORTATION.**—Section 24708 and the item relating thereto in the table of sections for chapter 247 are repealed.

(f) **CONFORMING AMENDMENT.**—Section 24312(a)(1) is amended by striking “, 24710(a).”.

**SEC. 102. MAIL, EXPRESS, AND AUTO-FERRY TRANSPORTATION.**

(a) **REPEAL.**—Section 24306 is amended—

(1) by striking the last sentence of subsection (a); and

(2) by striking subsection (b) and inserting the following:

“(b) **AUTHORITY OF OTHERS TO PROVIDE AUTO-FERRY TRANSPORTATION.**—State and local laws and regulations that impair the provision of auto-ferry transportation do not apply to Amtrak or a rail carrier providing auto-ferry transportation. A rail carrier may not refuse to participate with Amtrak in providing auto-ferry transportation because a State or local law or regulation makes the transportation unlawful.”.

**SEC. 103. ROUTE AND SERVICE CRITERIA.**

Section 24703 and the item relating thereto in the table of sections for chapter 247 are repealed.

**SEC. 104. ADDITIONAL QUALIFYING ROUTES.**

Section 24705 and the item relating thereto in the table of sections for chapter 247 are repealed.

**SEC. 105. TRANSPORTATION REQUESTED BY STATES, AUTHORITIES, AND OTHER PERSONS.**

Section 24101(c)(2) is amended by inserting “, separately or in combination,” after “and the private sector”.

**SEC. 106. AMTRAK COMMUTER.**

(a) **REPEAL OF CHAPTER 245.**—Chapter 245 and the item relating thereto in the table of chapters for subtitle V of such title, are repealed.

(b) **CONFORMING AMENDMENT.**—Section 24301(f) is amended to read as follows:

“(f) **TAX EXEMPTION FOR CERTAIN COMMUTER AUTHORITIES.**—A commuter authority that was eligible to make a contract with Amtrak Commuter to provide commuter rail passenger transportation but which decided to provide its own rail passenger transportation beginning January 1, 1983, is exempt, effective October 1, 1981, from paying a tax or fee to the same extent Amtrak is exempt.”.

(c) **TRACKAGE RIGHTS NOT AFFECTED.**—The repeal of chapter 245 of title 49, United States Code, by subsection (a) of this section is without prejudice to the retention of trackage rights over property owned or leased by commuter authorities.

**SEC. 107. THROUGH SERVICE IN CONJUNCTION WITH INTERCITY BUS OPERATIONS.**

(a) **IN GENERAL.**—Section 24305(a) is amended by adding at the end the following new paragraph:

“(3)(A) Except as provided in subsection (d)(2), Amtrak may enter into a contract with a motor carrier of passengers for the intercity transportation of passengers by motor carrier over regular routes only—

“(i) if the motor carrier is not a public recipient of governmental assistance, as such term is defined in section 13902(b)(8)(A) of this title, other than a recipient of funds under section 5311 of this title;

“(ii) for passengers who have had prior movement by rail or will have subsequent movement by rail; and

“(iii) if the buses, when used in the provision of such transportation, are used exclusively for the transportation of passengers described in clause (ii).

“(B) Subparagraph (A) shall not apply to transportation funded predominantly by a State or local government, or to ticket selling agreements.”.

(b) **POLICY STATEMENT.**—Section 24305(d) is amended by adding at the end the following new paragraph:

“(3) Congress encourages Amtrak and motor common carriers of passengers to use

the authority conferred in section 11342(a) of this title for the purpose of providing improved service to the public and economy of operation.”.

#### SEC. 108. RAIL AND MOTOR CARRIER PASSENGER SERVICE.

(a) IN GENERAL.—Notwithstanding any other provision of law (other than section 24305(a) of title 49, United States Code), Amtrak and motor carriers of passengers are authorized—

(1) to combine or package their respective services and facilities to the public as a means of increasing revenues; and

(2) to coordinate schedules, routes, rates, reservations, and ticketing to provide for enhanced intermodal surface transportation.

(b) REVIEW.—The authority granted by subsection (a) is subject to review by the Surface Transportation Board and may be modified or revoked by the Board if modification or revocation is in the public interest.

#### SEC. 109. PASSENGER CHOICE.

Federal employees are authorized to travel on Amtrak for official business where total travel cost from office to office is competitive on a total trip or time basis.

#### SEC. 110. APPLICATION OF CERTAIN LAWS.

(a) APPLICATION OF FOIA.—Section 24301(e) is amended by adding at the end thereof the following: “Section 552 of title 5, United States Code, applies to Amtrak for any fiscal year in which Amtrak receives a Federal subsidy.”.

(b) APPLICATION OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT.—Section 303B(m) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b(m)) applies to a proposal in the possession or control of Amtrak.

#### SUBTITLE B—PROCUREMENT

#### SEC. 121. CONTRACTING OUT.

(a) REPEAL OF BAN ON CONTRACTING OUT.—Section 24312 of title 49, United States Code, is amended—

(1) by striking subsection (b);

(2) by striking “(1)” in subsection (a); and

(3) by striking “(2)” in subsection (a) and inserting “(b) WAGE RATES.—”.

(b) AMENDMENT OF EXISTING COLLECTIVE BARGAINING AGREEMENT.—

(1) CONTRACTING OUT.—Any collective bargaining agreement entered into between Amtrak and an organization representing its employees before the date of enactment of this Act is deemed amended to include the language of section 24312(b) of title 49, United States Code, as that section existed on the day before the effective date of the amendments made by subsection (a).

(2) ENFORCEABILITY OF AMENDMENT.—The amendment to any such collective bargaining agreement deemed to be made by paragraph (1) of this subsection is binding on all parties to the agreement and has the same effect as if arrived at by agreement of the parties under the Railway Labor Act.

(c) CONTRACTING-OUT ISSUES TO BE INCLUDED IN NEGOTIATIONS.—Proposals on the subject matter of contracting out work, other than work related to food and beverage service, which results in the layoff of an Amtrak employee—

(1) shall be included in negotiations under section 6 of the Railway Labor Act, 45 U.S.C. 156, between Amtrak and an organization representing Amtrak employees, which shall be commenced by—

(A) the date on which labor agreements under negotiation on the date of enactment of this Act may be re-opened; or

(B) November 1, 1999, whichever is earlier;

(2) may, at the mutual election of Amtrak and an organization representing Amtrak employees, be included in any negotiation in

progress under section 6 of the Railway Labor Act, 45 U.S.C. 156, on the date of enactment of this Act; and

(3) may not be included in any negotiation in progress under section 6 of the Railway Labor Act, 45 U.S.C. 156, on the date of enactment of this Act, unless both Amtrak and the organization representing Amtrak employees agree to include it in the negotiation.

No contract between Amtrak and an organization representing Amtrak employees, that is under negotiation on the date of enactment of this Act, may contain a moratorium that extends more than 5 years from the date of expiration of the last moratorium.

(d) NO INFERENCE.—The amendment made by subsection (a) is without prejudice to the power of Amtrak to contract out the provision of food and beverage services on board Amtrak trains or to contract out work not resulting in the layoff of Amtrak employees.

#### SUBTITLE C—EMPLOYEE PROTECTION REFORMS

#### SEC. 141. RAILWAY LABOR ACT PROCEDURES.

(a) NOTICES.—Notwithstanding any arrangement in effect before the date of the enactment of this Act, notices under section 6 of the Railway Labor Act (45 U.S.C. 156) with respect to all issues relating to employee protective arrangements and severance benefits which are applicable to employees of Amtrak, including all provisions of Appendix C-2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973, shall be deemed served and effective on the date which is 45 days after the date of the enactment of this Act. Amtrak, and each affected labor organization representing Amtrak employees, shall promptly supply specific information and proposals with respect to each such notice.

(b) NATIONAL MEDIATION BOARD EFFORTS.—Except as provided in subsection (c), the National Mediation Board shall complete all efforts, with respect to the dispute described in subsection (a), under section 5 of the Railway Labor Act (45 U.S.C. 155) not later than 120 days after the date of the enactment of this Act.

(c) RAILWAY LABOR ACT ARBITRATION.—The parties to the dispute described in subsection (a) may agree to submit the dispute to arbitration under section 7 of the Railway Labor Act (45 U.S.C. 157), and any award resulting therefrom shall be retroactive to the date which is 120 days after the date of the enactment of this Act.

(d) DISPUTE RESOLUTION.—

(1) With respect to the dispute described in subsection (a) which

(A) is unresolved as of the date which is 120 days after the date of the enactment of this Act; and

(B) is not submitted to arbitration as described in subsection (c), Amtrak shall, and the labor organization parties to such dispute shall, within 127 days after the date of the enactment of this Act, each select an individual from the entire roster of arbitrators maintained by the National Mediation Board. Within 134 days after the date of the enactment of this Act, the individuals selected under the preceding sentence shall jointly select an individual from such roster to make recommendations with respect to such dispute under this subsection. If the National Mediation Board is not informed of the selection under the preceding sentence 134 days after the date of enactment of this Act, the Board will immediately select such individual.

(2) No individual shall be selected under paragraph (1) who is pecuniarily or otherwise interested in any organization of employees or any railroad or who is selected pursuant to section 121(e) of this Act.

(3) The compensation of individuals selected under paragraph (1) shall be fixed by

the National Mediation Board. The second paragraph of section 10 of the Railway Labor Act shall apply to the expenses of such individuals as if such individuals were members of a board created under such section 10.

(4) If the parties to a dispute described in subsection (a) fail to reach agreement within 150 days after the date of the enactment of this Act, the individual selected under paragraph (1) with respect to such dispute shall make recommendations to the parties proposing contract terms to resolve the dispute.

(5) If the parties to a dispute described in subsection (a) fail to reach agreement, no change shall be made by either of the parties in the conditions out of which the dispute arose for 30 days after recommendations are made under paragraph (4).

(6) Section 10 of the Railway Labor Act (45 U.S.C. 160) shall not apply to a dispute described in subsection (a).

(e) NO PRECEDENT FOR FREIGHT.—Nothing in this Act, or in any amendment made by this Act, shall affect the level of protection provided to freight railroad employees and mass transportation employees as it existed on the day before the date of enactment of this Act.

#### SEC. 142. SERVICE DISCONTINUANCE.

(a) REPEAL.—Section 24706(c) of title 49, United States Code, is repealed.

(b) EXISTING CONTRACTS.—Any provision of a contract entered into before the date of the enactment of this Act between Amtrak and a labor organization representing Amtrak employees relating to employee protective arrangements and severance benefits applicable to employees of Amtrak is extinguished, including all provisions of Appendix C-2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973.

(c) SPECIAL EFFECTIVE DATE.—Subsections (a) and (b) of this section shall take effect 180 days after the date of the enactment of this Act.

(d) NONAPPLICATION OF BANKRUPTCY LAW PROVISION.—Section 1172(c) of title 11, United States Code, shall not apply to Amtrak and its employees.

#### SUBTITLE D—USE OF RAILROAD FACILITIES

#### SEC. 161. LIABILITY LIMITATION.

(A) IN GENERAL.—Chapter 281 is amended by adding at the end the following new section:

#### “§ 28103. Limitations on rail passenger transportation liability

“(a) LIMITATIONS.—(1) Notwithstanding any other statutory or common law or public policy, or the nature of the conduct giving rise to damages or liability, in a claim for personal injury to a passenger, death of a passenger, or damage to property of a passenger arising from or in connection with the provision of rail passenger transportation, or from or in connection with any rail passenger transportation operations or rail passenger transportation use of right-of-way or facilities owned, leased, or maintained by any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State, punitive damages, to the extent permitted by applicable State law, may be awarded in connection with any such claim only if the plaintiff establishes by clear and convincing evidence that the harm that is the subject of the action was the result of conduct carried out by the defendant with a conscious, flagrant indifference to the rights and safety of others. If, in any case wherein death was caused, the law of the place where the act or omission complained of occurred provides, or has been construed to provide, for damages only punitive in nature, this paragraph shall not apply.

(2) The aggregate allowable awards to all rail passengers, against all defendants, for

all claims, including claims for punitive damages, arising from a single accident or incident, shall not exceed \$200,000,000.

“(b) CONTRACTUAL OBLIGATIONS.—A provider of rail passenger transportation may enter into contracts that allocate financial responsibility for claims.

“(c) MANDATORY COVERAGE.—Amtrak shall maintain a total minimum liability coverage through insurance and self-insurance of at least \$200,000,000.

“(d) EFFECT ON OTHER LAWS.—This section shall not affect the damages that may be recovered under the Act of April 27, 1908 (45 U.S.C. 51 et seq.; popularly known as the ‘Federal Employers’ Liability Act) or under any workers compensation Act.

“(e) DEFINITION.—For purposes of this section—

“(1) the term ‘claim’ means a claim made—  
“(A) against Amtrak, any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any States; or

“(B) against an officer, employee, affiliate engaged in railroad operations, or agent of Amtrak, any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State;

“(2) the term ‘punitive damages’ means damages awarded against any person or entity to punish or deter such person or entity, or others, from engaging in similar behavior in the future; and

“(3) the term ‘rail carrier’ includes a person providing excursion, scenic, or museum train service, and an owner or operator of a privately owned rail passenger car.”

“(b) CONFORMING AMENDMENT.—The table of sections for chapter 281 is amended by adding at the end the following new item:

“28103. Limitations on rail passenger transportation liability.”

#### SEC. 162. RETENTION OF FACILITIES.

Section 24309(b) is amended by inserting “or on January 1, 1997,” after “1979.”

### TITLE II—FISCAL ACCOUNTABILITY

#### SEC. 201. AMTRAK FINANCIAL GOALS.

Section 24101(d) is amended by adding at the end thereof the following: “Amtrak shall prepare a financial plan to operate within the funding levels authorized by section 24104 of this chapter, including budgetary goals for fiscal years 1998 through 2002. Commencing no later than the fiscal year following the fifth anniversary of the Amtrak Reform and Accountability Act of 1997, Amtrak shall operate without Federal operating grant funds appropriated for its benefit.”

#### SEC. 202. INDEPENDENT ASSESSMENT.

(a) INITIATION.—Not later than 15 days after the date of enactment of this Act, the Secretary of Transportation shall contract with an entity independent of Amtrak and not in any contractual relationship with Amtrak and of the Department of Transportation to conduct a complete independent assessment of the financial requirements of Amtrak through fiscal year 2002. The entity shall have demonstrated knowledge about railroad industry accounting requirements, including the uniqueness of the industry and of Surface Transportation Board accounting requirements. The Department of Transportation, Office of Inspector General, shall approve the entity’s statement of work and the award and shall oversee the contract. In carrying out its responsibilities under the preceding sentence, the Inspector General’s Office shall perform such overview and validation or verification of data as may be necessary to assure that the assessment conducted under this subsection meets the requirements of this section.

(b) ASSESSMENT CRITERIA.—The Secretary and Amtrak shall provide to the independent

entity estimates of the financial requirements of Amtrak for the period described above, using as a base the fiscal year 1997 appropriation levels established by the Congress. The independent assessment shall be based on an objective analysis of Amtrak’s funding needs.

(c) CERTAIN FACTORS TO BE TAKEN INTO ACCOUNT.—The independent assessment shall take into account all relevant factors, including Amtrak’s—

(1) cost allocation process and procedures;  
(2) expenses related to intercity rail passenger service, commuter service, and any other service Amtrak provides;

(3) Strategic Business Plan, including Amtrak’s projected expenses, capital needs, ridership, and revenue forecasts; and

(4) Amtrak’s assets and liabilities.

For purposes of paragraph (3), in the capital needs part of its Strategic Business Plan Amtrak shall distinguish between that portion of the capital required for the Northeast corridor and that required outside the Northeast corridor, and shall include rolling stock requirements, including capital leases, “state of good repair” requirements, and infrastructure improvements.

(d) BIDDING PRACTICES.—

(1) STUDY.—The independent assessment also shall determine whether, and to what extent, Amtrak has performed each year during the period from 1992 through 1996 services under contract at amounts less than the cost to Amtrak of performing such services with respect to any activity other than the provision of intercity rail passenger transportation, or mail or express transportation. For purposes of this clause, the cost to Amtrak of performing services shall be determined using generally accepted accounting principles for contracting. If identified, such contracts shall be detailed in the report of the independent assessment, as well as the methodology for preparation of bids to reflect Amtrak’s actual cost of performance.

(2) REFORM.—If the independent assessment performed under this subparagraph reveals that Amtrak has performed services under contract for an amount less than the cost to Amtrak of performing such services, with respect to any activity other than the provision of intercity rail passenger transportation, or mail or express transportation, then Amtrak shall revise its methodology for preparation of bids to reflect its cost of performance.

(d) DEADLINE.—The independent assessment shall be completed not later than 180 days after the contract is awarded, and shall be submitted to the Council established under section 203, the Secretary of Transportation, the Committee on Commerce, Science, and Transportation of the United States Senate, and the Committee on Transportation and Infrastructure of the United States House of Representatives.

#### SEC. 203. AMTRAK REFORM COUNCIL.

(a) ESTABLISHMENT.—There is established an independent commission to be known as the Amtrak Reform Council.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall consist of 11 members, as follows:

(A) The Secretary of Transportation.

(B) Two individuals appointed by the President, of which—

(i) one shall be a representative of a rail labor organization; and

(ii) one shall be a representative of rail management.

(C) Three individuals appointed by the Majority Leader of the United States Senate.

(D) One individual appointed by the Minority Leader of the United States Senate.

(E) Three individuals appointed by the Speaker of the United States House of Representatives.

(F) One individual appointed by the Minority Leader of the United States House of Representatives.

(2) APPOINTMENT CRITERIA.—

(A) TIME FOR INITIAL APPOINTMENTS.—Appointments under paragraph (1) shall be made within 30 days after the date of enactment of this Act.

(B) EXPERTISE.—Individuals appointed under subparagraphs (C) through (F) of paragraph (1)—

(i) may not be employees of the United States;

(ii) may not be board members of employees of Amtrak;

(iii) may not be representatives of rail labor organizations or rail management; and

(iv) shall have technical qualifications, professional standing, and demonstrated expertise in the field of corporate management, finance, rail or other transportation operations, labor, economics, or the law, or other areas of expertise relevant to the Council.

(3) TERM.—Members shall serve for terms of 5 years. If a vacancy occurs other than by the expiration of a term, the individual appointed to fill the vacancy shall be appointed in the same manner as, and shall serve only for the unexpired portion of the term for which, that individual’s predecessor was appointed.

(4) CHAIRMAN.—The Council shall elect a chairman from among its membership within 15 days after the earlier of—

(A) the date on which all members of the Council have been appointed under paragraph (2)(A); or

(B) 45 days after the date of enactment of this Act.

(4) MAJORITY REQUIRED FOR ACTION.—A majority of the members of the Council present and voting is required for the Council to take action. No person shall be elected chairman of the Council who receives fewer than 5 votes.

(c) ADMINISTRATIVE SUPPORT.—The Secretary of Transportation shall provide such administrative support to the Council as it needs in order to carry out its duties under this section.

(d) TRAVEL EXPENSES.—Each member of the Council shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with section 5702 and 5703 of title 5, United States Code.

(e) MEETINGS.—Each meeting of the Council, other than a meeting at which proprietary information is to be discussed, shall be open to the public.

(f) ACCESS TO INFORMATION.—Amtrak shall make available to the Council all information the Council requires to carry out its duties under this section. The Council shall establish appropriate procedures to ensure against the public disclosure of any information obtained under this subsection that is a trade secret or commercial or financial information that is privileged or confidential.

(g) DUTIES.—

(1) EVALUATION AND RECOMMENDATION.—The Council—

(A) shall evaluate Amtrak’s performance; and

(B) make recommendations to Amtrak for achieving further cost containment and productivity improvements, and financial reforms.

(2) SPECIFIC CONSIDERATIONS.—In making its evaluation and recommendations under paragraph (1), the Council shall take into consideration all relevant performance factors, including—

(A) Amtrak’s operation as a national passenger rail system which provides access to all regions of the country and ties together existing and emerging rail passenger corridors;

(B) appropriate methods for adoption of uniform cost and accounting procedures throughout the Amtrak system, based on generally accepted accounting principles; and

(C) management efficiencies and revenue enhancements, including savings achieved through labor and contracting negotiations.

(3) **MONITOR WORK-RULE SAVINGS.**—If, after January 1, 1997, Amtrak enters into an agreement involving work-rules intended to achieve savings with an organization representing Amtrak employees, then Amtrak shall report quarterly to the Council—

(A) the savings realized as a result of the agreement; and

(B) how the savings are allocated.

(h) **ANNUAL REPORT.**—Each year before the fifth anniversary of the date of enactment of this Act, the Council shall submit to the Congress a report that includes an assessment of Amtrak's progress on the resolution or status of productivity issues; and makes recommendations for improvements and for any changes in law it believes to be necessary or appropriate.

(i) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Council such sums as may be necessary to enable the Council to carry out its duties.

#### **SEC. 204. SUNSET TRIGGER.**

(a) **IN GENERAL.**—If at any time more than 2 years after the date of enactment of this Act and implementation of the financial plan referred to in section 201 the Amtrak Reform Council finds that—

(1) Amtrak's business performance will prevent it from meeting the financial goals set forth in section 201; or

(2) Amtrak will require operating grant funds after the fifth anniversary of the date of enactment of this Act, then

the Council shall immediately notify the President, the Committee on Commerce, Science, and Transportation of the United States Senate; and the Committee on Transportation and Infrastructure of the United States House of Representatives.

(b) **FACTORS CONSIDERED.**—In making a finding under subsection (a), the Council shall take into account—

(1) Amtrak's performance;

(2) the findings of the independent assessment conducted under section 202;

(3) the level of Federal funds made available for carrying out the financial plan referred to in section 201; and

(4) Acts of God, national emergencies, and other events beyond the reasonable control of Amtrak.

(c) **ACTION PLAN.**—Within 90 days after the Council makes a finding under subsection (a)—

(1) it shall develop and submit to the Congress an action plan for a restructured and rationalized national intercity rail passenger system; and

(2) Amtrak shall develop and submit to the Congress an action plan for the complete liquidation of Amtrak, after having the plan reviewed by the Inspector General of the Department of Transportation and the General Accounting Office for accuracy and reasonableness.

#### **SEC. 205. SENATE PROCEDURE FOR CONSIDERATION OF RESTRUCTURING AND LIQUIDATION PLANS.**

(a) **IN GENERAL.**—If, within 90 days (not counting any day on which either House is not in session) after a restructuring plan is submitted to the House of Representatives and the Senate by the Amtrak Reform Council under section 204 of the Amtrak Reform and Accountability Act of 1997, an implementing Act with respect to a restructuring plan (without regard to whether it is the plan submitted) has not been passed by the

Congress, then a liquidation disapproval resolution shall be introduced in the Senate by the Majority Leader of the Senate, for himself and the Minority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate. The liquidation disapproval resolution shall be held at the desk at the request of the Presiding Officer.

(b) **CONSIDERATION IN THE SENATE.**—

(1) **REFERRAL AND REPORTING.**—A liquidation disapproval resolution introduced in the Senate shall be placed directly and immediately on the Calendar.

(2) **IMPLEMENTING RESOLUTION FROM HOUSE.**—When the Senate receives from the House of Representatives a liquidation disapproval resolution, the resolution shall not be referred to committee and shall be placed on the Calendar.

(3) **Consideration of single liquidation disapproval resolution.**—After the Senate has proceeded to the consideration of a liquidation disapproval resolution under this subsection, then no other liquidation disapproval resolution originating in that same House shall be subject to the procedures set forth in this subsection.

(4) **AMENDMENTS.**—No amendment to the resolution is in order except an amendment that is relevant to liquidation of Amtrak. Consideration of the resolution for amendment shall not exceed one hour excluding time for recorded votes and quorum calls. No amendment shall be subject to further amendment, except for perfecting amendments.

(5) **MOTION NONDEBATABLE.**—A motion to proceed to consideration of a liquidation disapproval resolution under this subsection shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed was adopted or rejected, although subsequent motions to proceed may be made under this paragraph.

(6) **LIMIT ON CONSIDERATION.**—

(A) After no more than 20 hours of consideration of a liquidation disapproval resolution, the Senate shall proceed, without intervening action or debate (except as permitted under paragraph (9)), to vote on the final disposition thereof to the exclusion of all amendments not then pending and to the exclusion of all motions, except a motion to reconsider or table.

(B) The time for debate on the liquidation disapproval resolution shall be equally divided between the Majority Leader and the Minority Leader or their designees.

(7) **DEBATE OF AMENDMENTS.**—Debate on any amendment to a liquidation disapproval resolution shall be limited to one hour, equally divided and controlled by the Senator proposing the amendment and the majority manager, unless the majority manager is in favor of the amendment, in which case the minority manager shall be in control of the time in opposition.

(8) **NO MOTION TO RECOMMIT.**—A motion to recommit a liquidation disapproval resolution shall not be in order.

(9) **DISPOSITION OF SENATE RESOLUTION.**—If the Senate has read for the third time a liquidation disapproval resolution that originated in the Senate, then it shall be in order at any time thereafter to move to proceed to the consideration of a liquidation disapproval resolution for the same special message received from the House of Representatives and placed on the Calendar pursuant to paragraph (2), strike all after the enacting clause, substitute the text of the Senate liquidation disapproval resolution, agree to the Senate amendment, and vote on final disposition of the House liquidation disapproval resolution, all without any intervening action or debate.

(10) **CONSIDERATION OF HOUSE MESSAGE.**—Consideration in the Senate of all motions,

amendments, or appeals necessary to dispose of a message from the House of Representatives on a liquidation disapproval resolution shall be limited to not more than 4 hours. Debate on each motion or amendment shall be limited to 30 minutes. Debate on any appeal or point of order that is submitted in connection with the disposition of the House message shall be limited to 20 minutes. Any time for debate shall be equally divided and controlled by the proponent and the majority manager, unless the majority manager is a proponent of the motion, amendment, appeal, or point of order, in which case the minority manager shall be in control of the time in opposition.

(c) **CONSIDERATION IN CONFERENCE.**—

(1) **CONVENING OF CONFERENCE.**—In the case of disagreement between the two Houses of Congress with respect to a liquidation disapproval resolution passed by both Houses, conferees should be promptly appointed and a conference promptly convened, if necessary.

(2) **SENATE CONSIDERATION.**—Consideration in the Senate of the conference report and any amendments in disagreement on a liquidation disapproval resolution shall be limited to not more than 4 hours equally divided and controlled by the Majority Leader and the Minority Leader or their designees. A motion to recommit the conference report is not in order.

(d) **DEFINITIONS.**—For purposes of this section—

(1) **LIQUIDATION DISAPPROVAL RESOLUTION.**—The term "liquidation disapproval resolution" means only a resolution of either House of Congress which is introduced as provided in subsection (a) with respect to the liquidation of Amtrak.

(2) **RESTRUCTURING PLAN.**—The term "restructuring plan" means a plan to provide for a restructured and rationalized national intercity rail passenger transportation system.

(e) **RULES OF SENATE.**—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate, and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a liquidation disapproval resolution; and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

#### **SEC. 206. ACCESS TO RECORDS AND ACCOUNTS.**

Section 24315 is amended by adding at the end the following new subsection:

"(h) **ACCESS TO RECORDS AND ACCOUNTS.**—A State shall have access to Amtrak's records, accounts, and other necessary documents used to determine the amount of any payment to Amtrak required of the State."

#### **SEC. 207. OFFICERS' PAY.**

Section 24303(b) is amended by adding at the end the following: "The preceding sentence shall not apply for any fiscal year for which no Federal assistance is provided to Amtrak."

#### **SEC. 208. EXEMPTION FROM TAXES.**

(a) **IN GENERAL.**—Subsection (1) of section 24301 is amended—

(1) by striking so much of paragraph (1) as precedes "exempt" and inserting the following:

"(1) **IN GENERAL.**—Amtrak, a rail carrier subsidiary of Amtrak, and any passenger or other customer of Amtrak or such subsidiary, are";

(2) by striking "tax or fee imposed" in paragraph (1) and all that follows through

“levied on it” and inserting “tax, fee, head charge, or other charge, imposed or levied by a State, political subdivision, or local taxing authority on Amtrak, a rail carrier subsidiary of Amtrak, or on persons traveling in intercity rail passenger transportation or on mail or express transportation provided by Amtrak or such a subsidiary, or on the carriage of such persons, mail, or express, or on the sale of any such transportation, or on the gross receipts derived therefrom”;

(3) by striking the last sentence of paragraph (1);

(4) by striking “(2) The” in paragraph (2) and inserting “(3) JURISDICTION OF UNITED STATES DISTRICT COURTS.—The”;

(5) by inserting after paragraph (1) the following:

“(2) PHASE-IN OF EXEMPTION FOR CERTAIN EXISTING TAXES AND FEES.—

“(a) YEARS BEFORE 2000.—Notwithstanding paragraph (1), Amtrak is exempt from a tax or fee referred to in paragraph (1) that Amtrak was required to pay as of September 10, 1982, during calendar years 1997 through 1999, only to the extent specified in the following table:

PHASE-IN OF EXEMPTION	
Year of assessment	Percentage of exemption
1997 .....	40
1998 .....	60
1999 .....	80
2000 and later years .....	100

“(B) TAXES ASSESSED AFTER MARCH, 1999.—Amtrak shall be exempt from any tax or fee referred to in subparagraph (A) that is assessed on or after April 1, 1999.”

(b) EFFECTIVE DATE.—the amendments made by subsection (a) do not apply to sales taxes imposed on intrastate travel as of the date of enactment of this Act.

#### SEC. 209. LIMITATION ON USE OF TAX REFUND.

(a) IN GENERAL.—Amtrak may not use any amount received under section 977 of the Taxpayer Relief Act of 1997—

(1) for any purpose other than the financing of qualified expenses (as that term is defined in section 977(e)(1) of that Act; or

(2) to offset other amounts used for any purpose other than the financing of such expenses.

(b) REPORT BY ARC.—The Amtrak Reform Council shall report quarterly to the Congress on the use of amounts received by Amtrak under section 977 of the Taxpayer Relief Act of 1997.

### TITLE III—AUTHORIZATION OF APPROPRIATIONS

#### SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Section 24104(a) is amended to read as follows:

“(a) IN GENERAL.—there are authorized to be appropriated to the Secretary of Transportation—

“(1) \$1,138,000,000 for fiscal year 1998;  
“(2) \$1,058,000,000 for fiscal year 1999;  
“(3) \$1,023,000,000 for fiscal year 2000;  
“(4) \$989,000,000 for fiscal year 2001; and  
“(5) \$955,000,000 for fiscal year 2002,

for the benefit of Amtrak for capital expenditures under chapters 243 and 247 of this title, operating expenses, and payments described in subsection (c)(1)(A) through (C). In fiscal years following the fifth anniversary of the enactment of the Amtrak Reform and Accountability Act of 1997 no funds authorized for Amtrak shall be used for operating expenses other than those prescribed for tax liabilities under section 3221 of the Internal Revenue Code of 1986 that are more than the amount needed for benefits of individuals who retire from Amtrak and for their beneficiaries.”

### TITLE IV—MISCELLANEOUS

#### SEC. 401. STATUS AND APPLICABLE LAWS.

Section 24301 is amended—

(1) by striking “rail carrier under section 10102” in subsection (a)(1) and inserting “railroad carrier under section 20102(2) and chapters 261 and 281”; and

(2) by amending subsection (c) to read as follows:

“(c) APPLICATION OF SUBTITLE IV.—Subtitle IV of this title shall not apply to Amtrak, except for sections 11301, 11322(a), 11502, and 11706. Notwithstanding the preceding sentence, Amtrak shall continue to be considered an employer under the Railroad Retirement Act of 1974, the Railroad Unemployment Insurance Act, and the Railroad Retirement Tax Act.”

#### SEC. 402. WASTE DISPOSAL.

Section 24301(m)(1)(A) is amended by striking “1996” and inserting “2001”.

#### SEC. 403. ASSISTANCE FOR UPGRADING FACILITIES.

Section 24310 and the item relating thereto in the table of sections for chapter 243 are repealed.

#### SEC. 404. DEMONSTRATION OF NEW TECHNOLOGY.

Section 24314 and the item relating thereto in the table of sections for chapter 243 are repealed.

#### SEC. 405. PROGRAM MASTER PLAN FOR BOSTON-NEW YORK MAIN LINE.

(a) REPEAL.—Section 24903 is repealed and the table of sections for chapter 249 is amended by striking the item relating to that section.

(b) CONFORMING AMENDMENTS.—

(1) Section 24902 is amended by striking subsections (a), (c), and (d) and redesignating subsection (b) as subsection (a) and subsections (e) through (m) as subsections (b) through (j), respectively.

(2) Section 24904(a)(8) is amended by striking “the high-speed rail passenger transportation area specified in section 24902(a)(1) and (2)” and inserting “a high-speed rail passenger transportation area”.

#### SEC. 406. AMERICANS WITH DISABILITIES ACT OF 1990.

(a) APPLICATION TO AMTRAK.—

(1) ACCESS IMPROVEMENTS AT CERTAIN SHARED STATIONS.—Amtrak is responsible for its share, if any, of the costs of accessibility improvements at any station jointly used by Amtrak and a commuter authority.

(2) CERTAIN REQUIREMENTS NOT TO APPLY UNTIL 1998.—Amtrak shall not be subject to any requirement under subsection (a)(1), (a)(3), or (e)(2) of section 242 of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162) until January 1, 1998.

(b) CONFORMING AMENDMENT.—Section 24307 is amended—

(1) by striking subsection (b); and  
(2) by redesignating subsection (c) as subsection (b).

#### SEC. 407. DEFINITIONS.

Section 24102 is amended—

(1) by striking paragraphs (2) and (11);  
(2) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively; and  
(3) by inserting “, including a unit of State or local government,” after “means a person” in paragraph (7), as so redesignated.

#### SEC. 408. NORTHEAST CORRIDOR COST DISPUTE.

Section 1163 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1111) is repealed.

#### SEC. 409. INSPECTOR GENERAL ACT OF 1978 AMENDMENT.

(a) AMENDMENT.—

(1) IN GENERAL.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking “Amtrak.”

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect in the first fiscal year for which Amtrak receives no Federal subsidy.

(b) AMTRAK NOT FEDERAL ENTITY.—Amtrak shall not be considered a Federal entity for purposes of the Inspector General Act of 1978. The preceding sentence shall apply for any fiscal year for which Amtrak receives no Federal subsidy.

(c) FEDERAL SUBSIDY.—

(1) ASSESSMENT.—In any fiscal year for which Amtrak requests Federal assistance, the Inspector General of the Department of Transportation shall review Amtrak’s operations and conduct an assessment similar to the assessment required by section 202(a). The Inspector General shall report the results of the review and assessment to—

(A) the President of Amtrak;  
(B) the Secretary of Transportation;  
(C) the United States Senate Committee on Appropriations;

(D) the United States Senate Committee on Commerce, Science, and Transportation;  
(E) the United States House of Representatives Committee on Appropriations;

(F) the United States House of Representatives Committee on Transportation and Infrastructure.

(2) REPORT.—The report shall be submitted, to the extent practicable, before any such committee reports legislation authorizing or appropriating funds for Amtrak for capital acquisition, development, or operating expenses.

(3) SPECIAL EFFECTIVE DATE.—This subsection takes effect 1 year after the date of enactment of this Act.

#### SEC. 410. INTERSTATE RAIL COMPACTS.

(a) CONSENT TO COMPACTS.—Congress grants consent to States with an interest in a specific form, route, or corridor of intercity passenger rail service (including high speed rail service) to enter into interstate compacts to promote the provision of the service, including—

(1) retaining an existing service or commencing a new service;  
(2) assembling rights-of-way; and  
(3) performing capital improvements, including—

(A) the construction and rehabilitation of maintenance facilities;  
(B) the purchase of locomotives; and  
(C) operational improvements, including communications, signals, and other systems.

(b) FINANCING.—An interstate compact established by States under subsection (a) may provide that, in order to carry out the compact, the States may—

(1) accept contributions from a unit of State or local government or a person;  
(2) use any Federal or State funds made available for intercity passenger rail service (except funds made available for the National Railroad Passenger Corporation);  
(3) on such terms and conditions as the States consider advisable—

(A) borrow money on a short-term basis and issue notes for the borrowing; and  
(B) issue bonds; and  
(4) obtain financing by other means permitted under Federal or State law.

#### SEC. 411. COMPOSITION OF AMTRAK BOARD OF DIRECTORS.

Section 24302(a) is amended—

(1) by striking “3” in paragraph (1)(C) and inserting “4”;

(2) by striking clauses (i) and (ii) of paragraph (1)(C) and inserting the following:

“(i) one individual selected as a representative of rail labor in consultation with affected labor organizations.

“(ii) one chief executive officer of a State, and one chief executive officer of a municipality, selected from among the chief executive officers of States and municipalities with an interest in rail transportation, each of whom may select an individual to act as the officer’s representative at board meetings.”;



(4) striking subparagraphs (D) and (E) of paragraph (1);

(5) inserting after subparagraph (C) the following:

“(D) 3 individuals appointed by the President of the United States, as follows:

“(i) one individual selected as a representative of a commuter authority, (as defined in section 102 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 702) that provides its own commuter rail passenger transportation or makes a contract with an operator, in consultation with affected commuter authorities.

“(ii) one individual with technical expertise in finance and accounting principles.

“(iii) one individual selected as a representative of the general public.”; and

(6) by striking paragraph (6) and inserting the following:

“(6) The Secretary may be represented at a meeting of the Board by his designate.”.

#### SEC. 412. EDUCATIONAL PARTICIPATION.

Amtrak shall participate in educational efforts with elementary and secondary schools to inform students on the advantages of rail travel and the need for rail safety.

#### SEC. 413. REPORT TO CONGRESS ON AMTRAK BANKRUPTCY.

Within 120 days after the date of enactment of this Act, the Comptroller General shall submit a report identifying financial and other issues associated with an Amtrak bankruptcy to the United States Senate Committee on Commerce, Science, and Transportation and to the United States House of Representatives Committee on Transportation and Infrastructure. The report shall include an analysis of the implications of such a bankruptcy on the Federal government, Amtrak's creditors, and the Railroad Retirement System.

#### SEC. 414. AMTRAK TO NOTIFY CONGRESS OF LOBBYING RELATIONSHIPS.

If, at any time, during a fiscal year in which Amtrak receives Federal assistance, Amtrak enters into a consulting contract or similar arrangement, or a contract for lobbying, with a lobbying firm, an individual who is a lobbyist, or who is affiliated with a lobbying firm, as those terms are defined in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602), Amtrak shall notify the United States Senate Committee on Commerce, Science, and Transportation, and the United States House of Representatives Committee on Transportation and Infrastructure of—

(1) the name of the individual or firm involved;

(2) the purpose of the contract or arrangement; and

(3) the amount and nature of Amtrak's financial obligation under the contract.

This section applies only to contracts, renewals or extensions of contracts, or arrangements entered into after the date of the enactment of this Act.

#### THE RECIPROCAL TRADE AGREEMENT ACT OF 1997

##### HARKIN AMENDMENT NO. 1610

(Ordered to lie on the table.)

Mr. HARKIN submitted an amendment intended to be proposed by him to the bill, S. 1269, *supra*; as follows:

On page 4, between lines 21 and 22, insert the following:

(3) CHILD LABOR.—The principal negotiating objectives of the United States regarding child labor are to further promote adequate and effective protection against exploitative child labor by—

(A) seeking the enactment and effective enforcement by foreign countries of laws that—

(i) recognize and adequately protect against the effects of exploitative child labor; and

(ii) provide protection against unfair competition; and

(B) providing for strong enforcement of laws against exploitative child labor through accessible, expeditious, and effective civil, administrative, and criminal enforcement mechanisms.

#### THE BURLEY IRRIGATION DISTRICT CONVEYANCE ACT OF 1997

##### CRAIG AMENDMENT NO. 1611

(Ordered to lie on the table.)

Mr. CRAIG submitted an amendment intended to be proposed by him to the bill (S. 538) to authorize the Secretary of the Interior to convey certain facilities of the Minidoka project to the Burley Irrigation District, and for other purposes; as follows:

Paragraph 1(c)(1) of the Committee amendment is modified to read as follows:

“(1) TRANSFER.—(A) Subject to subparagraphs (B) and (C), the Secretary shall transfer to Burley, through an agreement among Burley, the Minidoka Irrigation district, and the Secretary, in accordance with and subject to law of the State of Idaho, all natural flow, waste, seepage, return flow, and groundwater rights held in the name of the United States—

(1) for the benefit of the Minidoka Project or specifically for the Burley Irrigation District; and

(2) that are for use on lands within the Burley Irrigation District; and

(3) which are set forth in contracts between the United States and Burley or in the decree of June 20, 1913 of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Twin Falls, in the case of *Twin Falls Canal Company v. Charles N. Foster, et al.*, and commonly referred to as the “Foster decree”.

“(B) Any rights that are presently held for the benefit of lands within the Minidoka Irrigation District and the Burley Irrigation District shall be allocated in such manner so as to neither enlarge nor diminish the respective rights of either district in such water rights as described in contracts between Burley and the United States.

“(C) The transfer of water rights in accordance with this paragraph shall not impair the integrated operation of the Minidoka Project, affect any other adjudicated rights, or result in any adverse impact on any other project water user.”

#### THE SAVINGS ARE VITAL TO EVERYONE'S RETIREMENT ACT OF 1997

##### GRASSLEY AMENDMENT NO. 1612

Mr. LOTT (for Mr. GRASSLEY) proposed an amendment to the bill (H.R. 1377) to amend title I of the Employee Retirement Income Security Act of 1974 to encourage retirement income savings; as follows:

Strike all after the enacting clause and insert the following:

##### SECTION 1. SHORT TITLE.

This Act may be cited as the “Savings Are Vital to Everyone's Retirement Act of 1997”.

##### SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds as follows:

(1) The impending retirement of the baby boom generation will severely strain our already overburdened entitlement system, necessitating increased reliance on pension and other personal savings.

(2) Studies have found that less than a third of Americans have even tried to calculate how much they will need to have saved by retirement, and that less than 20 percent are very confident they will have enough money to live comfortably throughout their retirement.

(3) A leading obstacle to expanding retirement savings is the simple fact that far too many Americans—particularly the young—are either unaware of, or without the knowledge and resources necessary to take advantage of, the extensive benefits offered by our retirement savings system.

(b) PURPOSE.—It is the purpose of this Act—

(1) to advance the public's knowledge and understanding of retirement savings and its critical importance to the future well-being of American workers and their families;

(2) to provide for a periodic, bipartisan national retirement savings summit in conjunction with the White House to elevate the issue of savings to national prominence; and

(3) to initiate the development of a broad-based, public education program to encourage and enhance individual commitment to a personal retirement savings strategy.

##### SEC. 3. OUTREACH BY THE DEPARTMENT OF LABOR.

(a) IN GENERAL.—Part 5 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131 et seq.) is amended by adding at the end the following new section:

##### “OUTREACH TO PROMOTE RETIREMENT INCOME SAVINGS

“SEC. 516. (a) IN GENERAL.—The Secretary shall maintain an ongoing program of outreach to the public designed to effectively promote retirement income savings by the public.

“(b) METHODS.—The Secretary shall carry out the requirements of subsection (a) by means which shall ensure effective communication to the public, including publication of public service announcements, public meetings, creation of educational materials, and establishment of a site on the Internet.

“(c) INFORMATION TO BE MADE AVAILABLE.—The information to be made available by the Secretary as part of the program of outreach required under subsection (a) shall include the following:

“(1) a description of the vehicles currently available to individuals and employers for creating and maintaining retirement income savings, specifically including information explaining to employers, in simple terms, the characteristics and operation of the different retirement savings vehicles, including the steps to establish each such vehicle, and

“(2) information regarding matters relevant to establishing retirement income savings, such as—

“(A) the forms of retirement income savings,

“(B) the concept of compound interest,

“(C) the importance of commencing savings early in life,

“(D) savings principles,

“(E) the importance of prudence and diversification in investing,

“(F) the importance of the timing of investments, and

“(G) the impact on retirement savings of life's uncertainties, such as living beyond one's life expectancy.

“(d) ESTABLISHMENT OF SITE ON THE INTERNET.—The Secretary shall establish a